

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

ZAFAR HAQ,

Case No. 3:16-cv-00921-AC

Plaintiff,

v.

FINDINGS AND
RECOMMENDATION

MORTGAGE MARKET, INC.; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC.; CADENCE BANK, N.A.; BANK OF
AMERICA, N.A.; RCO LEGAL, P.C.; SCOTT
GRIGSBY; DOES 1-100,

Defendants.

ACOSTA, Magistrate Judge:

Pro se plaintiff Zafar Haq (“Haq”) initiated this lawsuit in 2016. The record does not reflect service on defendant Mortgage Market, Inc. (“Mortgage Market”). On April 10, 2017, the court granted motions to dismiss as to all defendants except for Mortgage Market. (ECF No. 55.) Review of the file in this case discloses that service of summons and complaint upon Mortgage Market has not been timely made under Federal Rule of Civil Procedure (“Rule”) 4. Where a plaintiff fails to

timely serve a defendant, Rule 4 requires the court to dismiss the action without prejudice against the unserved defendant, unless the plaintiff shows good cause for failing to timely serve the defendant. FED. R. CIV. P. 4(m). On April 10, 2017, the court ordered Haq to appear in person on April 26, 2017, to show cause why this case should not be dismissed for lack of service. (ECF No. 56.) The court also ordered Haq to file a written statement setting forth the status of the lawsuit and whether good cause exists to dismiss for lack of service. (*Id.*) Haq was advised that failure to show good cause for his failure to serve Mortgage Market would result in dismissal without prejudice. (*Id.*)

Haq did not file a written statement as ordered by the court. Haq also did not appear at the in-person show cause hearing. Accordingly, Haq has not shown good cause for failing to timely serve Mortgage Market. The court should dismiss Haq's claims against Mortgage Market without prejudice. As dismissal of the claims against Mortgage Market disposes of all claims in this lawsuit, the court should also enter a judgment resolving this lawsuit.

Scheduling Order

The Findings and Recommendation will be referred to a district judge for review. Objections, if any, are due May 10, 2017. If no objections are filed, then the Findings and Recommendation will go under advisement on that date.

If objections are filed, then a response is due within fourteen (14) days after being served with a copy of the objections. When the response is due or filed, whichever date is earlier, the Findings and Recommendation will go under advisement.

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DATED this 26th day of April, 2017.

/s John V. Acosta
JOHN V. ACOSTA
United States Magistrate Judge